

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1676.01
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: January 22, 2001
DATE OF REPORT: February 12, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: March 12, 2001

COMPLAINT ISSUES:

Whether the Eastern School District of Greene County and the Orange, Lawrence, Jackson, Martin, Greene Joint Services violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically:

- a. failing to provide a one-on-one teacher; and
- b. failing to provide socialization with nondisabled students.

FINDINGS OF FACT:

1. The student is ten years old, attends the fifth grade, and has been determined eligible for special education due to autism, a communication disorder, and a moderate to severe mental handicap.
2. The student's one-on-one teacher was reassigned to another teaching position on January 22, 2001. At the time the complaint was filed, the parent was concerned that the student would not be assigned another one-on-one teacher. The student's IEP dated April 20, 2000, indicates the student shall receive one-on-one assistance from a special education teacher for the following goals and objectives: academic, social, fine motor, and integration skills. The April 20th IEP was written for the 2000-2001 school year. An alternative services plan was approved for the 2000-2001 school year to provide the student with a one-on-one teacher on a daily basis for special education instruction. The director states in her written response that the student has been provided with a one-on-one teacher each instructional day of the 2000-2001 school year. The student's teacher of record reports in a signed written statement dated February 6, 2001, the following information: "I am the teacher of record for [student's name] and at no time has [student's name] been without a one to one teacher during the school year."
3. The student receives instruction in a self-contained classroom in a school building that only serves students with severe handicaps. No nondisabled students attend school at this building. The IEP dated April 20, 2000, reflects the case conference committee (CCC) determined this setting as the least restrictive environment for the student to receive educational instruction. It is noted in the student's IEP that the student needs a "functional curriculum" as provided in the self-contained classroom in a separate facility for students with severe handicaps. The parents signed the Permission for Placement form on April 20, 2000, indicating their agreement with the services recommended and giving permission for the plan to be implemented. In addition, the director reports in her written response that integration activities are scheduled routinely with nondisabled students for the purpose of socialization and educational projects. The students who attend school

in the building for the severely handicapped also participate in convocations and other activities at area schools serving nondisabled students.

CONCLUSIONS:

1. Finding of Fact #2 indicates the student has received the service of a one-on-one teacher on a daily basis during the 2000-2001 school year. Therefore, no violation of 511 IAC 7-27-7(a) is found.
2. Finding of Fact #3 reflects the CCC determined the least restrictive environment for the student and clearly documented in the student's IEP the reason why the student was to receive services in such a setting. Therefore, no violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Special Education, requires no corrective action based on the Findings of Fact and Conclusions listed above.